

Paul R. Niehaus (PN-3994)
NIEHAUS LLP
230 Park Avenue
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New York, New York 10169
(212) 551-1445

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TECON OIL SERVICES LIMITED

Plaintiff,

v.

BAYERISCHE HYPO-UND VEREINSBANK,
OLUWOLE OGBONYOMI, APF CAPITAL
MANAGEMENT, LLC, ASSET PLUS FINANCE,
LLC, HARRY SCHARPING, HAGAMA
VERTRIEB GMBH,

Defendants.

Civil Action No.:
07-CIV-4698 (MGC)

**NOTICE OF MOTION
FOR ADMISSIONS
PRO HAC VICE**

PLEASE TAKE NOTICE that, on a date and time to be determined by the Court, in Courtroom 14A of the Courthouse located at 500 Pearl Street, New York, New York 10007, Defendant Bayerische Hypo- und Vereinsbank AG, by and through its undersigned counsel, will move this Court to admit Dana M. Richens and Rachel King Powell to the bar of this Court *pro hac vice*. This motion is supported by the accompanying Memorandum of Law, Declaration of

Paul R. Niehaus (PN-3994)
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**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

	x	
TECON OIL SERVICES LIMITED	:	Civil Action No.:
	:	07-CIV-4698 (MGC)
	:	
Plaintiff,	:	DECLARATION OF PAUL
	:	R. NIEHAUS IN SUPPORT
v.	:	OF ADMISSION <i>PRO HAC VICE</i>
	:	
BAYERISCHE HYPO-UND VEREINSBANK,	:	
OLUWOLE OGBONYOMI, APF CAPITAL	:	
MANAGEMENT, LLC, ASSET PLUS FINANCE,	:	
LLC, HARRY SCHARPING, HAGAMA	:	
VERTRIEB GMBH,	:	
	:	
Defendants.	:	
	x	

I, PAUL R. NIEHAUS, hereby declare under penalty of perjury:

1. I am a member of the law firm Niehaus LLP, attorneys for Defendant Bayerische Hypo- und Vereinsbank AG in this action. I submit this declaration in support of the motion pursuant to Rule 1.3(c) of the Local Rules for the Southern District of New York for an order granting Dana M. Richens and Rachel King Powell admission *pro hac vice* to the bar of the United States District Court for the Southern District of New York.

2. I am an attorney admitted to practice law in the State of New York, and am a member in good standing of the bar of this Court.

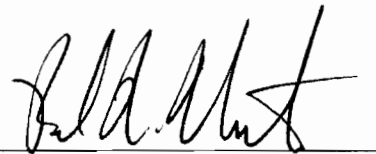
3. Dana M. Richens is a member of the firm Smith, Gambrell & Russell, LLP. She was admitted to the State Bar of Georgia in 1991, and is currently a member in good standing of

that bar. Dana M. Richens is also admitted to, and a member in good standing with, the United States District Court for the Northern District of Georgia and the United States District Court for the Eastern District of Michigan. A true and correct copy of her certificate of good standing issued by the State Bar of Georgia is attached hereto as Exhibit A.

4. Rachel King Powell is a member of the firm Smith, Gambrell & Russell, LLP. She was admitted to the State Bar of Georgia in 2002, and is currently a member in good standing of that bar. Rachel King Powell is also admitted to, and a member in good standing with, the United States District Court for the Northern District of Georgia. A true and correct copy of her certificate of good standing issued by the State Bar of Georgia is attached hereto as Exhibit B.

I declare subject to the penalties of perjury as set forth in section 1746 of Title 28 of the United States Code that the foregoing is true and correct.

Dated: New York, New York
June 11, 2007

A handwritten signature in black ink, appearing to read "Paul R. Niehaus", written over a horizontal line.

Paul R. Niehaus



STATE BAR OF GEORGIA

Lawyers Serving the Public and the Justice System

Ms. Dana Marie Richens
Smith Gambrell & Russell LLP
 Promenade II, Suite 3100
 1230 Peachtree St., N.E.
 Atlanta, GA 30309-3592

CURRENT STATUS: Active Member-Good Standing

DATE OF ADMISSION TO PRACTICE: 11/25/1991

Attorney Bar Number: 604429

Today's Date: June 4, 2007

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "**good standing**" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

STATE BAR OF GEORGIA

Brandy Preston

Official Representative of the State Bar of Georgia

HEADQUARTERS

104 Marietta Street, Suite 100
 Atlanta, Georgia 30303
 (404) 527-8700 ■ (800) 334-6865
 FAX (404) 527-8717
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SOUTH GEORGIA

244 E. Second Street (Zip 31794)
 P.O. Box 1390
 Tifton, Georgia 31793-1390
 (229) 387-0446 ■ (800) 330-0446
 FAX (229) 382-7435



STATE BAR OF GEORGIA

Lawyers Serving the Public and the Justice System

Ms. Rachel King Powell
Smith Gambrell & Russell LLP
Promenade II, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, GA 30309-3592

CURRENT STATUS: Active Member-Good Standing

DATE OF ADMISSION TO PRACTICE: 12/10/2002

Attorney Bar Number: 421311

Today's Date: June 4, 2007

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
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This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

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**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

	X	
TECON OIL SERVICES LIMITED	:	Civil Action No.:
	:	07-CIV-4698 (MGC)
	:	
Plaintiff,	:	MEMORANDUM OF LAW IN
	:	SUPPORT OF ADMISSIONS
v.	:	<i>PRO HAC VICE</i>
	:	
BAYERISCHE HYPO-UND VEREINSBANK,	:	
OLUWOLE OGBONYOMI, APF CAPITAL	:	
MANAGEMENT, LLC, ASSET PLUS FINANCE,	:	
LLC, HARRY SCHARPING, HAGAMA	:	
VERTRIEB GMBH,	:	
	:	
Defendants.	:	
	X	

Defendant Bayerische Hypo- und Vereinsbank AG submits this memorandum of law in support of its motion to admit Dana M. Richens and Rachel King Powell to the bar of this Court *pro hac vice*.

Dana M. Richens and Rachel King Powell are attorneys in practice with the law firm of Smith, Gambrell & Russell, LLP, Promenade II, Suite 3100, 1230 Peachtree Street, N.E., Atlanta, Georgia 30309-3592. Neither of them has ever been denied admission to, or disciplined by, any court.

Dana M. Richens is admitted to, and is a member in good standing with, the State Bar of Georgia. She is admitted to the United States District Court for the Northern District of Georgia

and the United States District Court for the Eastern District of Michigan. Dana M. Richens has reviewed and familiarized herself with the Local Rules of the Southern District of New York.

Rachel King Powell is admitted to, and is a member in good standing with, the State Bar of Georgia. She is admitted to the United States District Court for the Northern District of Georgia. Rachel King Powell has reviewed and familiarized herself with the Local Rules of the Southern District of New York.

Pursuant to Southern District Local Rule 1.3(c), this Court may, upon motion, admit attorneys to practice *pro hac vice*. Dana M. Richens and Rachel King Powell are familiar with the facts and circumstances of this case and, if admitted, will serve as lead trial counsel in this matter. Defendant Bayerische Hypo- und Vereinsbank AG further believes that this matter will be conducted most efficiently if applicants are permitted to appear *pro hac vice*.

Defendant Bayerische Hypo- und Vereinsbank AG respectfully requests that their motion be granted, and Dana M. Richens and Rachel King Powell be admitted to practice *pro hac vice*.

Dated: June 11, 2007
New York, New York

NIEHAUS LLP



Paul R. Niehaus (PN-3994)
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*Attorneys for Defendant
Bayerische Hypo- und Vereinsbank AG*

Paul R. Niehaus (PN-3994)
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 New York, New York 10169
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**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

<hr/>		x
TECON OIL SERVICES LIMITED	:	Civil Action No.:
	:	07-CIV-4698 (MGC)
	:	
Plaintiff,	:	DECLARATION OF RACHEL
	:	KING POWELL IN SUPPORT
v.	:	OF ADMISSION <i>PRO HAC VICE</i>
	:	
BAYERISCHE HYPO-UND VEREINSBANK,	:	
OLUWOLE OGBONYOMI, APF CAPITAL	:	
MANAGEMENT, LLC, ASSET PLUS FINANCE,	:	
LLC, HARRY SCHARPING, HAGAMA	:	
VERTRIEB GMBH,	:	
	:	
Defendants.	:	
<hr/>		x

I, Rachel King Powell, hereby declare under penalty of perjury:

1. I am attorney at Smith, Gambrell & Russell, LLP, Promenade II, Suite 3100, 1230 Peachtree Street, N.E., Atlanta, Georgia 30309-3592, attorneys for Defendant Bayerische Hypo- und Vereinsbank AG in this action. I submit this declaration in support of Defendant Bayerische Hypo- und Vereinsbank AG's motion for my admission *pro hac vice* to the bar of this Court in this action.

2. I received my Juris Doctor degree from Emory University School of Law in 2002.

3. I was admitted to the State Bar of Georgia in 2002 and am currently a member in good standing of that bar. I am also admitted to, and a member in good standing with, the United States District Court for the Northern District of Georgia.

4. I do not currently have, nor have I ever had, any disciplinary proceedings or criminal charges instituted against me. Nor have I ever been denied admission to the bar of any court on moral or ethical grounds.

5. I have reviewed and familiarized myself with the Local Rules of the Southern District of New York and will adhere to such rules as well as the ethical rules and canons governing attorney conduct in this Court.

I declare subject to the penalties of perjury as set forth in section 1746 of Title 28 of the United States Code that the foregoing is true and correct.

Dated: Atlanta, Georgia
June 6, 2007



Rachel King Powell

Paul R. Niehaus (PN-3994)
 NIEHAUS LLP
 230 Park Avenue
 10th Floor
 New York, New York 10169
 (212) 551-1445

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

<hr/>		X
TECON OIL SERVICES LIMITED	:	Civil Action No.:
	:	07-CIV-4698 (MGC)
	:	
Plaintiff,	:	DECLARATION OF DANA M.
	:	RICHENS IN SUPPORT
v.	:	OF ADMISSION <i>PRO HAC VICE</i>
	:	
BAYERISCHE HYPO-UND VEREINSBANK,	:	
OLUWOLE OGBONYOMI, APF CAPITAL	:	
MANAGEMENT, LLC, ASSET PLUS FINANCE,	:	
LLC, HARRY SCHARPING, HAGAMA	:	
VERTRIEB GMBH,	:	
	:	
Defendants.	:	
<hr/>		X

I, Dana M. Richens, hereby declare under penalty of perjury:

1. I am an attorney at Smith, Gambrell & Russell, LLP, Promenade II, Suite 3100, 1230 Peachtree Street, N.E., Atlanta, Georgia 30309-3592, attorneys for Defendant Bayerische Hypo- und Vereinsbank AG in this action. I submit this declaration in support of Defendant Bayerische Hypo- und Vereinsbank AG's motion for my admission *pro hac vice* to the bar of this Court in this action.

2. I received my Juris Doctor degree from the University of Virginia School of Law in 1991.

3. I was admitted to the State Bar of Georgia in 1991 and am currently a member in good standing of that bar. I am also admitted to, and a member in good standing with, the United

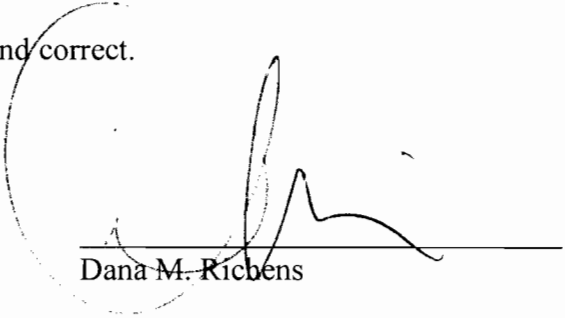
States District Court for the Northern District of Georgia and the United States District Court for the Eastern District of Michigan.

4. I do not currently have, nor have I ever had, any disciplinary proceedings or criminal charges instituted against me. Nor have I ever been denied admission to the bar of any court on moral or ethical grounds.

5. I have reviewed and familiarized myself with the Local Rules of the Southern District of New York and will adhere to such rules as well as the ethical rules and canons governing attorney conduct in this Court.

I declare subject to the penalties of perjury as set forth in section 1746 of Title 28 of the United States Code that the foregoing is true and correct.

Dated: Atlanta, Georgia
June 6, 2007



Dana M. Richens

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230 Park Avenue
10th Floor
New York, New York 10169
(212) 551-1445

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

_____	x	
TECON OIL SERVICES LIMITED	:	Civil Action No.:
	:	07-CIV-4698 (MGC)
	:	
Plaintiff,	:	[PROPOSED] ORDER GRANTING
	:	ADMISSIONS <i>PRO HAC VICE</i>
v.	:	
	:	
BAYERISCHE HYPO-UND VEREINSBANK,	:	
OLUWOLE OGBONYOMI, APF CAPITAL	:	
MANAGEMENT, LLC, ASSET PLUS FINANCE,	:	
LLC, HARRY SCHARPING, HAGAMA	:	
VERTRIEB GMBH,	:	
	:	
Defendants.	:	
_____	x	

CEDARBAUM, District Judge:

For good cause shown, and pursuant to Southern District of New York Local Rule 1.3(c),
I hereby GRANT the motion of Defendant Bayerische Hypo- und Vereinsbank AG to admit
attorneys Dana M. Richens and Rachel King Powell to the bar of this Court *pro hac vice*.

Dana M. Richens and Rachel King Powell are directed to register as ECF Filing Users.

SO ORDERED.

Dated: June __, 2007
New York, New York

HON. MIRIAM GOLDMAN CEDARBAUM
UNITED STATES DISTRICT JUDGE